

Exhibit 35

Dockwell, Brett D.

From: Favata & Wallace [fwoffice@aol.com]
Sent: Thursday, July 18, 2013 10:08 PM
To: Dockwell, Brett D.
Subject: Re: Orchard

Right

Sent from my iPhone

On Jul 18, 2013, at 9:12 PM, "Dockwell, Brett D." <bdockwell@morrissoncohen.com> wrote:

> Bill -- yesterday, we had what I thought was a cordial and professional discussion about a proposed order, the basic points of which you and I agreed to. I sent you a proposed order reflecting our conversation. Then, this afternoon, you sent a snide and misleading email attaching an order that you must have known we and probably Jim would never agree to and which made it clear that trying to negotiate a proposed order would likely be fruitless. You just confirmed that by taking such bizarre umbrage at the five minor corrections on my errata sheet. I don't think there's anything more for us to discuss on this.

>

> -----Original Message-----

> From: Favata & Wallace [<mailto:fwoffice@aol.com>]

> Sent: Thursday, July 18, 2013 8:25 PM

> To: Dockwell, Brett D.

> Subject: Re: Orchard

>

> The record is the record there is no reason to change it. You wanted an order I prepare a proper one deal with it I'm now gone until Tuesday on depositions. Signing off.

>

> Sent from my iPhone

>

> On Jul 18, 2013, at 8:17 PM, "Dockwell, Brett D." <bdockwell@morrissoncohen.com> wrote:

>

>> Bill -- what in the world are you talking about?

>>

>>

>> -----Original Message-----

>> From: Favata & Wallace [<mailto:fwoffice@aol.com>]

>> Sent: Thursday, July 18, 2013 8:13 PM

>> To: Dockwell, Brett D.

>> Cc: Larry Hollander - Flintlock; James G. Marsh

>> Subject: Orchard

>>

>> Brett have Ms Lesser or someone else with authority call me. Do you really want to have an evidentiary hearing before Justice Ramos as to what went on? An errata sheet? Lets cut the BS and get on with the litigation. I have learned a great deal from and about Scharf! Best regards. Bill.

>>

>> Sent from my iPhone

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